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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/592,907      | 06/13/2000  | David William Balsdon | 051481-5050         | 5487             |

9629 7590 03/03/2003

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EXAMINER

FOX, JOHN C

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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3753

DATE MAILED: 03/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/592 907

Applicant(s)

Examiner

fux

Group Art Unit

3753

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 2/21/03
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 7-16, 21-26 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 7-16, 21-26 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
- ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_.

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s) \_\_\_\_\_
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

Office Action Summary

Serial Number: 09/592907

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Art Unit: 3753

This action is responsive to the communication filed February 21, 2001.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 21-24 and 11-13 are rejected under 35 U.S.C. § 103 as being unpatentable over Rosas et al in view of Kadner. Rosas et al teach the claimed valve, but does not show a second, reduced diameter portion of the valve head received in and "occluding" the aperture. Kadner shows a reciprocating valve with a second portion of reduced cross section occluding the aperture and including an O-ring to seal, which is reliable and long lasting. It would have been obvious for one of ordinary skill in the art to have used such a valve head and seal construction as taught by Kadner in the Rosas et al valve to improve the reliability and length of service of the valve thereof.

Applicant's remarks have been fully considered but are not deemed to be persuasive. As to the prosecution history, the §112 rejection was overcome because one definition of "occlude" is to "obstruct", or to hinder or reduce the flow through an aperture without sealing it, in the present context. The pin of the instant valve, loosely disposed in the aperture, can accurately be described as occluding the aperture by the definition above. If that is the case, then it must be accurate that the portion 15

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of Kadner occludes the aperture of that valve because it shows exactly the same thing.

Claims 7-10 and 14-16 are rejected under 35 U.S.C. § 103 as being unpatentable over Rosas et al in view of Kadner as applied above and further in view of Koch. Rosas et al, as modified, show the claimed valve except for the pin and pin calibration feature. Koch shows a solenoid valve with pin and pin calibration feature as claimed. It would have been obvious for one of ordinary skill in the art to have used such a pin and pin calibration feature as taught by Koch in the valve of Rosas et al to similarly provide for adjustment of the spring biasing force on the valve.

Claims 25-26 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the specification of the portion of the pin disposed in the aperture sealing the aperture to fluid flow. O-ring 16 is described as the seal.

Any inquiry concerning this communication should be directed to Examiner Fox at (703) 308-2595 or John.Fox@uspto.gov. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0861. The fax number for Art Unit

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3753 is (703) 308-7765. The Supervisory Primary Examiner for Art Unit 3753 is Michael Buiz who can be reached at (703) 308-2580 or at Michael.Buiz@uspto.gov.



JOHN FOX  
PRIMARY EXAMINER  
ART UNIT 3753

jcf  
February 28, 2003